

Records Management: Retain or Destroy?

Broadcast Handouts



ADMINISTRATIVE OFFICE
OF THE COURTS

EDUCATION DIVISION/CENTER FOR
JUDICIAL EDUCATION AND RESEARCH

Records Management:

Retain or Destroy?

SATELLITE BROADCAST
MONDAY, SEPTEMBER 25, AT 3:30 P.M.
TUESDAY, SEPTEMBER 26, AT 9:00 A.M.

This broadcast is intended for those experienced clerks who are new to records management or need a refresher in the retention and destruction of records. The broadcast will provide an overview of the basic factors and requirements associated with retaining, destroying, or sampling records.

Learning objectives for this broadcast:

- Describe the purposes of trial court records management and sampling programs
- List the factors to consider when deciding if a case file is to be retained or destroyed
- Name the types of cases that can never be destroyed
- Determine if a case is “unlimited” or “limited” jurisdiction
- Describe the noticing requirements for destruction, retention, and transfer of records

<http://www.courtinfo.ca.gov/cjer/aocvt/records/index.htm>

Activity # 1

WHY do you think Records Management is an important function of the court? *(Identify 2-3 reasons and list below.)*

Reasons

- √ The central role a court case can play in an individual's life
- √ The historical and legal significance of many decisions
- √
- √
- √

WHAT is an operational definition of "records management" for the court environment? *(Use the broadcast graphic to fill in the definition.)*

Records management may be defined as the application of accepted pr _____s and st _____ s to plan, c_____, and direct the creation, utilization, ma_____, dissemination, org_____, retrieval, re_____, and di_____ of records.

Records Management Self-Test Exercise

Instructions: Circle the correct answer(s) to each question. Space has been provided after each question so you may take notes when the answers and explanations are provided.

1. What is a record?
 - A) Everything connected with a case
 - B) Anything written or signed by a judge
 - C) A black plastic relic of the 20th century
 - D) None of the above

2. The Judicial Council retains records of its meetings and decisions that remain open to public inspection. (True or False?)

3. Two different case jurisdiction designations matter when it comes to records destruction:
 - A) Limited/unlimited
 - B) Civil/criminal
 - C) Felony/misdemeanor
 - D) Conviction/acquittal

4. The purpose of sampling programs include:
 - A) Ensure all cases of a certain type are never destroyed
 - B) Ensure a certain percentage of cases are never destroyed.
 - C) Document the progress and development of the judicial system
 - D) Preserve evidence of significant events and social trends

5. Every court must retain all cases filed before January 1, 1911. (True or False?)

6. Retention period starts:
 - A) 45 days after the judgment has been entered
 - B) An acquittal was granted
 - C) Once there is a final disposition in the case
 - D) All of the above

7. Case records may be:
- A) Retained permanently
 - B) Retained for a period of time
 - C) Transferred to a historical society or other organization
 - D) Destroyed
8. When do Noticing requirements apply?
- A) Always
 - B) Retention
 - C) Destruction
 - D) Unlimited jurisdiction cases only
9. Who may authorize the destruction or transfer of case files?
- A) Senior Clerk
 - B) CEO
 - C) PJ
 - D) Designated Records Manager
10. Some cases can never be destroyed. (True or False?)

Case Retention-Exercise #1

Review the following case types shown and in each box, reflect the year that they may be destroyed. **HINT:** See Handouts #11 and #12 or a complete list of the Retention Guidelines posted to: <http://www.courtinfo.ca.gov/cjer/aocv/records/index.htm>

Today is September 25, 2006

1) Adoptions, 1975 _____	6) Misdemeanor Traffic- VC 12500 & 40508, 1998 _____	11) Misdemeanors nontraffic, non- marijuana, 1996 _____
2) Unlawful Detainer, money judgments March 1995 _____	7) DUI's, final dispo = 1985 _____	12) Unlawful Detainer no \$\$ judgments 1985- 1990 _____
3) Divorce with judgment date Jan 1, 1971 _____	8) 4) Parking tickets, Jan – March 31, 1999 _____	13) Name Change 1985- 1990 _____
4) Noncapital felonies fnl dispo 12/75 _____	Misdemeanors- traffic- VC 20002, 23104, 23109, Dec. 1996 _____	14) Noncapital felony filed 1995 Mariposa _____
5) All Felony filings 1996; Plumas & Butte Counties _____	10) Misdemeanor Marijuana Cases April 1999 _____	15) Paternity Cases 1956 _____

Retention Case Study-Exercise #2

The court has a misdemeanor case with two defendants:

- a) One defendant pleads guilty to a local infraction, a reckless driving charge that was reduced to an infraction speeding violation on 7/14/1995.
You determine the retention period for this infraction is: ____ years.
- b) The other defendant pleads guilty to driving while under the influence of alcohol (section 23152 (a) VC) and is sentenced on August 2, 1995. You determine the retention period for this infraction is: _____ years.
- c) The case jurisdiction is designated as: _____.
- d) The final disposition date for the case is:_____.
- e) The file should be retained for ____ years from _____.
- f) Notice required? _____ If yes, when?_____.
- g) Subject to Sampling? _____ Why or why not? _____.

WHAT ARE RECORDS?

Records include those items listed in Government Code section 68151(a). Records do not include personal notes or preliminary memoranda of judges or other judicial branch personnel.

Pursuant to Government Code section 68151(a), a court “record” shall consist of the following:

- (1) All filed papers and documents in the case folder; but if no case folder is created by the court, all filed papers and documents that would have been in the case folder if one had been created.
- (2) Administrative records filed in an action or proceeding, depositions, paper exhibits, transcripts, including preliminary hearing transcripts, and tapes of electronically recorded proceedings filed, lodged, or maintained in connection with the case, unless disposed of earlier in the case pursuant to law.

LIMITED AND UNLIMITED (GENERAL) JURISDICTIONS

For the retention, sampling, and destruction of case files, the jurisdiction of the record types matters. Cases that are limited are not subject to sampling and notice.

Limited Jurisdiction records are considered matters that are Traffic Infractions, Criminal Misdemeanors, Small Claims Matters, and General Civil Matters under \$25,000.

Unlimited (General) Jurisdiction Records are Family Law, Probate, Juvenile, Criminal Felonies, and General Civil Matters over \$25,000.

Limited Jurisdiction Record Types*	
Small Claims	Traffic Infractions
Misdemeanors	Civil Actions under \$25,000

* Limited Jurisdiction records are not subject to Sampling and Notice Requirements.

Unlimited (General) Jurisdiction Record Types	
Felonies	Family Law
Probate	Juvenile
Civil Actions over \$25,000	

TYPES OF RECORDS THAT CAN NEVER BE DESTROYED

There are some records that can never be destroyed, and they are:

- Paternity Cases
- Adoption Cases
- Petition for Change of Name
- Eminent Domain
- Title or an interest in real property
- Capital Felony of Murder with special circumstances where the prosecution seeks the death penalty
- Probate, including probated wills
- All Court Indexes
- Judgments within the jurisdiction of the superior court other than in a limited civil case, misdemeanor case, or infraction case
- Naturalization Index
- All records prior to 1911

SPECIAL CONCERNS—FINAL DISPOSITION

When exactly does a Judgment become final?

Case Type	Circumstance
Criminal Cases 1417.1 PC	30 days after the court receives a remittitur after appeal; or
	If no appeal is filed, 30 days after the last day for filing that notice; or
	When an order for a rehearing, a new trial, or other proceeding is granted and the ordered proceedings have not been commenced within one year thereafter, one year after the date of that order; or
	In cases where the death penalty is imposed, 30 days after the date of execution of sentence.
Civil Cases 1952.3 CCP	After an appeal is decided; or
	After a motion for a new trial has been granted and a memorandum to set case for trial has not been filed, or a motion to set for trial has not been made within five years.

“Final disposition of the case” means that an acquittal, dismissal, or order of judgment has been entered in the case or proceedings, the judgment has become final, and no postjudgment motions or appeals are pending in the case or for the reviewing court upon the mailing of notice of the issuance of the remittitur.

In criminal prosecution, the order of judgment shall mean imposition of sentence, entry of an appealable order (including, but not limited to, an order granting probation, commitment of a defendant for insanity, or commitment of a defendant as a narcotics addict appealable under section 1237 of the Penal Code), or forfeiture of bail without issuance of a bench warrant or calendaring of other proceedings. (Gov. Code, section 68151(c))

If you have multiple cases, when does the retention timeframe begin?

Multiples	To ensure compliance when reviewing cases having multiple parties, multiple dispositions, or multiple disposition dates:
	Use the Latest and Longest criteria
	Retain cases based on the latest disposition date and on the longest retention period.



PROCESS CHECKLIST

RECORDS MANAGEMENT: RETAIN OR DESTROY?

1. ☐ Determine if multiple parties
2. ☐ Final disposition(s) (Y/N)
Enter Final disposition date(s):
3. ☐ Limited Jurisdiction (Y/N)
4. ☐ Retain permanently (Y/N)
Reason:
5. ☐ Enter Retention Requirement:
6. ☐ Enter Retention Period:
(Use latest and longest criteria)
7. ☐ Destruction Eligible (Y/N)
8. ☐ Include in Sampling Program (Y/N)
9. ☐ Notice Requirement (Y/N)
Notice to:
10. ☐ Enter Proposed Destruction Date:
11. ☐ Next JC Report Date:

CASE RETENTION GUIDELINES

All case types, regardless whether they are designated as limited or unlimited (General) jurisdictions, have their own specific retention periods. That means that the court must keep and maintain that record for the specified period of time.

Pursuant to Government Code Section 68152(a-i): Record Type		Retention Period
(a)	Adoption	Retain permanently
(b)	Change of Name	Retain permanently
(c)	Civil Actions and Proceedings, as follows:	
(1)	Except as otherwise specified:	10 years
(2)	Where a party appears by guardian ad litem	10 years after termination of court's jurisdiction.
(3)	Domestic Violence	Same period as duration of the restraining or other orders and any renewals, then retain the restraining or other orders as a judgment: 30 days after expiration of the temporary protective or temporary restraining order.
(4)	Eminent Domain	Retain permanently
(5)	Family Law	Except as otherwise specified: 30 years
(6)	Harassment	Same period as duration of the injunction and any renewals, then retain the injunction as a judgment; 60 days after expiration of the temporary restraining order.
(7)	Mental Health (Lanterman Development Disabilities Services Act and Lanterman-Petris-Short Act)	30 years
(8)	Paternity	Retain permanently
(9)	Petition	Except as otherwise specified: 10 years
(10)	Real property other than unlawful detainer	Retain permanently if the action affects title or an interest in real property.
(11)	Small Claims	10 years
(12)	Unlawful Detainer	One year if judgment is for possession of the premises; 10 years if judgment is for money.
(d)	Notwithstanding subdivision (c), any civil or small claims case in the trial court:	
(1)	Involuntarily dismissed by the court for delay in prosecution or failure to comply with state or local rules	One year
(2)	Voluntarily dismissed by a party without entry of judgment	One year
(e)	Criminal	

(1)	Capital felony (murder with special circumstances where the prosecution seeks the death penalty)	Retain permanently; if the charge is disposed of by acquittal or a sentence less than death, the case shall be reclassified.
(2)	Felony, except as otherwise specified	75 years
	Felony, except capital felony, with court records from the initial complaint through the preliminary hearing or plea and for which the case file does not include final sentencing or other final disposition of the case because the case was bound over to the superior court	5 years
(3)	Misdemeanor, except as otherwise specified	5 years
(4)	Misdemeanor alleging a violation of the Vehicle Code, except as otherwise specified	3 years
(5)	Misdemeanor alleging a violation of section 23103, 23152, or 23153 of the Vehicle Code	10 years
(6)	Misdemeanor alleging a violation of section 14601, 14601.1, 20002, 23104, or 23109 of the Vehicle Code	5 years
(7)	Misdemeanor alleging a marijuana violation under subdivision (b), (c), (d), or (e) of section 11357 of the Health and Safety Code, or subdivision (b) of section 11360 of the Health and Safety Code in accordance with the procedure set forth in section 11361.5 of the Health and Safety Code	Records shall be destroyed 2 years from the date of conviction or from the date of arrest if no conviction.
(8)	Misdemeanor, infraction, or civil action alleging a violation of the regulation and licensing of dogs under sections 30951 to 30956, inclusive, of the Food and Agricultural Code or violation of any other local ordinance	3 years
(9)	Infraction, except as otherwise specified	3 years
(10)	Parking infractions, including alleged violations under the stopping, standing, and parking provisions set forth in Chapter 9 (commencing with section 22500) of Division 11 of the Vehicle Code	2 years
(f)	Habeas Corpus	Same period as period for retention of the records in the underlying case category.
(g)	Juvenile	

(1)	Dependent (section 300 of the Welfare and Institutions Code)	Upon reaching age 28 or on written request, shall be released to the juvenile 5 years after jurisdiction over the person has terminated under subdivision (a) of section 826 of the Welfare and Institutions Code. Sealed records shall be destroyed upon court order 5 years after the records have been sealed pursuant to subdivision (c) of section 389 of the Welfare and Institutions Code.
(2)	Ward (section 601 of the Welfare and Institutions Code)	Upon reaching age 21 or on written request, shall be released to the juvenile 5 years after jurisdiction over the person has terminated under subdivision (a) of section 826 of the Welfare and Institutions Code. Sealed records shall be destroyed upon court order 5 years after the subdivision (d) of section 781 of the Welfare and Institutions Code.
(3)	Ward (section 602 of the Welfare and Institutions Code)	Upon reaching age 38 under subdivision (a) of section 826 of the Welfare and Institutions Code. Sealed records shall be destroyed upon court order when the subject of the record reaches the age of 38 under subdivision (d) of section 781 of the Welfare and Institutions Code.
(4)	Traffic and some nontraffic misdemeanors and infractions (section 601 of the Welfare and Institutions Code)	Upon reaching age 21 or 5 years after jurisdiction over the person has terminated under subdivision (c) of section 826 of the Welfare and Institutions Code. May be microfilmed or photocopied.
(5)	Marijuana misdemeanor under subdivision (e) of section 11357 of the Health and Safety Code in accordance with procedures specified in subdivision (a) of section 11361.5 of the Health and Safety Code	Upon reaching age 18, the records shall be destroyed.
(h)	Probate	
(1)	Conservatorship	10 years after decree of termination.
(2)	Guardianship	10 years after the age of 18.
(3)	Probate, including probated wills, except as otherwise specified	Retain permanently
(i)	Court records of the appellate division of the superior court	5 years

For a complete list of the Case Retention Guidelines, see the Education Web page at <http://www.courtinfo.ca.gov/cjer/aocvtv/records/index.htm>.

ROTATION ASSIGNMENT FOR LONGITUDINAL (100%) SAMPLE

Rule 243.5

As of January 1, 1995

YEAR OF FILING	1-JUDGE COURTS		MULTIPLE JUDGE COURTS	
	Group 1	Group 2	Group 1	Group 2
1911	Colusa	Alpine	Alameda	Fresno
1912	Del Norte	Amador	Butte	Imperial
1913	Glenn	Calaveras	Contra Costa	Kern
1914	Lassen	Inyo	El Dorado	Kings
1915	Modoc	Mariposa	Humboldt	Los Angeles
1916	Plumas	Mono	Lake	Madera
1917	Siskiyou	San Benito	Marin	Merced
1918	Trinity	Sierra	Mendocino	Monterey
1919	Alpine	Colusa	Napa	Orange
1920	Amador	Del Norte	Nevada	Riverside
1921	Calaveras	Glenn	Placer	San Bernardino
1922	Inyo	Lassen	Sacramento	San Diego
1923	Mariposa	Modoc	San Francisco	San Luis Obispo
1924	Mono	Plumas	San Joaquin	San Mateo
1925	San Benito	Siskiyou	Shasta	Santa Barbara
1926	Sierra	Trinity	Solano	Santa Clara
1927	Colusa	Alpine	Sonoma	Santa Cruz
1928	Del Norte	Amador	Sutter	Stanislaus
1929	Glenn	Calaveras	Tehama	Tulare
1930	Lassen	Inyo	Yolo	Tuolumne
1931	Modoc	Mariposa	Yuba	Ventura
1932	Plumas	Mono	Fresno	Alameda
1933	Siskiyou	San Benito	Imperial	Butte
1934	Trinity	Sierra	Kern	Contra Costa
1935	Alpine	Colusa	Kings	El Dorado
1936	Amador	Del Norte	Los Angeles	Humboldt
1937	Calaveras	Glenn	Madera	Lake
1938	Inyo	Lassen	Merced	Marin
1939	Mariposa	Modoc	Monterey	Mendocino
1940	Mono	Plumas	Orange	Napa
1941	San Benito	Siskiyou	Riverside	Nevada
1942	Sierra	Trinity	San Bernardino	Placer
1943	Colusa	Alpine	San Diego	Sacramento
1944	Del Norte	Amador	San Luis Obispo	San Francisco
1945	Glenn	Calaveras	San Mateo	San Joaquin
1946	Lassen	Inyo	Santa Barbara	Shasta
1947	Modoc	Mariposa	Santa Clara	Solano
1948	Plumas	Mono	Santa Cruz	Sonoma

ROTATION ASSIGNMENT FOR LONGITUDINAL (100%) SAMPLE

Rule 243.5

As of January 1, 1995

1949	Siskiyou	San Benito	Stanislaus	Sutter
1950	Trinity	Sierra	Tulare	Tehama
1951	Alpine	Colusa	Tuolumne	Yolo
1952	Amador	Del Norte	Ventura	Yuba
1953	Calaveras	Glenn	Alameda	Fresno
1954	Inyo	Lassen	Butte	Imperial
1955	Mariposa	Modoc	Contra Costa	Kern
1956	Mono	Plumas	El Dorado	Kings
1957	San Benito	Siskiyou	Humboldt	Los Angeles
1958	Sierra	Trinity	Lake	Madera
1959	Colusa	Alpine	Marin	Merced
1960	Del Norte	Amador	Mendocino	Monterey
1961	Glenn	Calaveras	Napa	Orange
1962	Lassen	Inyo	Nevada	Riverside
1963	Modoc	Mariposa	Placer	San Bernardino
1964	Plumas	Mono	Sacramento	San Diego
1965	Siskiyou	San Benito	San Francisco	San Luis Obispo
1966	Trinity	Sierra	San Joaquin	San Mateo
1967	Alpine	Colusa	Shasta	Santa Barbara
1968	Amador	Del Norte	Solano	Santa Clara
1969	Calaveras	Glenn	Sonoma	Santa Cruz
1970	Inyo	Lassen	Sutter	Stanislaus
1971	Mariposa	Modoc	Tehama	Tulare
1972	Mono	Plumas	Yolo	Tuolumne
1973	San Benito	Siskiyou	Yuba	Ventura
1974	Sierra	Trinity	Fresno	Alameda
1975	Colusa	Alpine	Imperial	Butte
1976	Del Norte	Amador	Kern	Contra Costa
1977	Glenn	Calaveras	Kings	El Dorado
1978	Lassen	Inyo	Los Angeles	Humboldt
1979	Modoc	Mariposa	Madera	Lake
1980	Plumas	Mono	Merced	Marin
1981	Siskiyou	San Benito	Monterey	Mendocino
1982	Trinity	Sierra	Orange	Napa
1983	Alpine	Colusa	Riverside	Nevada
1984	Amador	Del Norte	San Bernardino	Placer
1985	Calaveras	Glenn	San Diego	Sacramento
1986	Inyo	Lassen	San Luis Obispo	San Francisco

ROTATION ASSIGNMENT FOR LONGITUDINAL (100%) SAMPLE

Rule 243.5

As of January 1, 1995

YEAR OF FILING	1-JUDGE COURTS		MULTIPLE JUDGE COURTS	
	Group 1	Group 2	Group 1	Group 2
1987	Mariposa	Modoc	San Mateo	San Joaquin
1988	Mono	Plumas	Santa Barbara	Shasta
1989	San Benito	Siskiyou	Santa Clara	Solano
1990	Sierra	Trinity	Santa Cruz	Sonoma
1991	Colusa	Alpine	Stanislaus	Sutter
1992	Del Norte	Amador	Tulare	Tehama
1993	Glenn	Calaveras	Tuolumne	Yolo
1994	Lassen	Inyo	Ventura	Yuba
1995	Modoc	Mariposa	Alameda	Fresno
1996	Plumas	Mono	Butte	Imperial
1997	Siskiyou	San Benito	Contra Costa	Kern
1998	Trinity	Sierra	El Dorado	Kings
1999	Alpine	Colusa	Humboldt	Los Angeles
2000	Amador	Del Norte	Lake	Madera

Rule 243.5

As of January 1, 2000

YEAR OF FILING	CALIFORNIA SUPERIOR COURTS		
	Group 1	Group 2	Group 3
2000	Del Norte	Lake	Madera
2001	Glenn	Marin	Merced
2002	Inyo	Mendocino	Monterey
2003	Lassen	Napa	Orange
2004	Mariposa	Nevada	Riverside
2005	Modoc	Placer	San Bernardino
2006	Mono	Sacramento	San Diego
2007	Plumas	San Francisco	San Luis Obispo
2008	San Benito	San Joaquin	San Mateo
2009	Sierra	Shasta	Santa Barbara
2010	Siskiyou	Solano	Santa Clara

NOTICING REQUIREMENTS

68151(b) "Notice of destruction and no transfer" means that the clerk has given notice of destruction of the "superior court records" open to public inspection, and that there is no request and order for transfer of the records as provided in the California Rules of Court.

- This means that records of limited civil, small claims, misdemeanor, or infraction cases are not included in the definition of "superior court records" and noticing does not need to be done on these case types. (CRC 6.756)
- Noticing should be effected on form 982.8(1)(N), titled *Notice of Intent to Destroy Superior Court Records; Offer to Transfer Possession*.
- Written notice of the proposed destruction shall be given to entities maintained on a master list by the Judicial Council and to any other entities that have informed the court directly that they wish to be notified.
- Courts must wait 30 days from the date that the notice was mailed before they can destroy the records.
- These noticing requirements exclude Juvenile cases, as they have their own noticing requirements.

Superior Court Records

All Superior Courts must send forms 982.8(1)(N) and 982.8(1)(R) to the following:

California State Archive
1020 O Street
Sacramento, CA 95814
916-653-7715

Stanford University
Stanford Law School
Stanford, CA 94305-8610
415-723-3072 or 2465

Huntington Library
Manuscripts Department
1151 Oxford Road
San Marino, CA 91108
818-405-2122 or 2203

Superior Courts listed by county must send forms 982.8(1)(N) and 982.8(1)(R) to the following:

If your county is not on this list for requiring noticing to organizations, then it is recommended that your court should notice your local historical society..

County	Organization
Alameda	Northwestern Polytechnic University 105 Fourier Avenue Fremont, CA 94539 510-657-5911
Humboldt	Ferndale Museum P.O. Box 431 Ferndale, CA 95536 707-786-4466
Lake	Lake County Museum 255 North Forbes Street Lakeport, CA 95453 707-263-4555
Los Angeles	Mount St Mary's College 12001 Chalon Road Los Angeles, CA 90049 213-746-0450
Mendocino	Mendocino County Historical Records Commission 304 South Hortense Ukiah, CA 95482 707-462-6969
Marin	Dominican College of San Rafael 50 Acacia Avenue San Rafael, CA 94901 415-547-4440
Mariposa	Mariposa Museum & History Center P.O. Box 606 Mariposa, CA 95338 209-966-2924
Sacramento	Sacramento Archives & Museum Collection Center 551 Sequoia Pacific Boulevard Sacramento, CA 95814 916-264-7072
San Bernardino (Chico District)	Chino Valley Historical Society P. O. Box 972 Chino, CA 91708 909-627-6464
San Diego	Mount St. Mary's College 12001 Chalon Road Los Angeles, CA 90049 213-746-0450

	Poway Historical & Memorial Society P.O. Box 19 Poway, CA 92074-0019 619-679-8587
	San Diego Historical Society P.O. Box 81825 San Diego, CA 92138 619-232-6203
	U.S. International University 10455 Pomerado Road San Diego, CA 92131 619-635-4300
San Mateo	San Mateo County Historical Association and Museum 1700 West Hillsdale Boulevard San Mateo, CA 94402 650-574-6441
Santa Barbara	Mount St. Mary's College 12001 Chalon Road Los Angeles, CA 90049 213-746-0450
Santa Clara	Sourisseau Academy History Department San Jose State University San Jose, CA 95192 408-924-6510
Shasta	Shasta Historical Society P.O. Box 990277 Redding, CA 96099-0277
Tuolumne	Tuolumne County Historical Society P.O. Box 695 Sonora, CA 95370 209-532-1317
Ventura	Mount St. Mary's College 12001 Chalon Road Los Angeles, CA 90049 213-746-0450

Remember: If your county is not on this list for requiring noticing to organizations, then you should notice your local historical societies.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

DEPARTMENT AND DIVISION:
 JUDICIAL DISTRICT OR BRANCH COURT:
 MAILING ADDRESS:
 STREET ADDRESS:
 CITY AND ZIP CODE:
 TELEPHONE:
 FAX:

**NOTICE OF INTENT TO DESTROY SUPERIOR COURT RECORDS;
 OFFER TO TRANSFER POSSESSION**

You are hereby notified, as required by rule 6.756 of the California Rules of Court, that this court intends to destroy the following superior court records **30 days** after the date of this notice.

Record Type	Beginning Month and Year	Ending Month and Year
1.		
2.		
3.		
4.		
5.		
6.		

SAMPLE
DO NOT USE

Within **30 days** after the date of this notice you may request, in writing, an order by the presiding judge to transfer some or all of the listed court records to your possession, or to extend the time for retention of the court records beyond 30 days.

The court records are available for public inspection until the time of their destruction.

Records transferred to your possession must be made reasonably available to all members of the public. Costs of transferring the records to your possession must be paid by you.

The presiding judge may extend the time for destruction of the court records if the judge finds good cause for the requested extension.

Date:

Clerk, by _____, Deputy

An optional form for requesting transfer of possession, or requesting an extension of the time for retention of the court records beyond 30 days, is on the reverse of this page.

(See reverse for Request for Transfer or Extension)

NAME OF COURT AND JUDICIAL DISTRICT OR BRANCH COURT, IF ANY	FOR COURT USE ONLY
<p align="center">REQUEST FOR TRANSFER OR EXTENSION OF TIME FOR RETENTION OF SUPERIOR COURT RECORDS (Optional form)</p>	

TO THE CLERK OF THE COURT:

1. Request for Transfer of Superior Court Records

- ☐ We request an order by the presiding judge for transfer of the superior court records to our possession pursuant to rule 6.756 of the California Rules of Court. We agree to make the records reasonably available to all members of the public and to pay the costs of transferring the records.
- ☐ Only the following records are requested (*specify*):

SAMPLE
DO NOT USE

2. Request for Extension of Time for Destruction of Superior Court Records

- ☐ We request an order by the presiding judge for an extension of time for the destruction of some or all of the superior court records pursuant to rule 6.756 of the California Rules of Court, to (date):

Reasons for the requested extension, the records to be transferred, and additional time needed are explained below. We understand that the presiding judge must find good cause to issue an order permitting extension of time for the retention of the court records. (*If you need more space for your explanation, write it on a separate piece of paper, attach it to this form, and check this box* ☐.)

You must make your written request for an order by the presiding judge within 30 days after the date of the Clerk's Notice of Intent to Destroy Superior Court Records; Offer to Transfer Possession.

Date:

Name and address of organization:



.....
(SIGNATURE)

Your Name:

Title:

Telephone:

Fax:

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</p> <p>DEPARTMENT AND DIVISION: JUDICIAL DISTRICT OR BRANCH COURT: MAILING ADDRESS: STREET ADDRESS: CITY AND ZIP CODE: TELEPHONE: FAX:</p>	<p><small>FOR COURT USE ONLY</small></p>
<p>NOTICE OF HEARING ON REQUEST FOR TRANSFER OR EXTENSION OF TIME FOR RETENTION OF SUPERIOR COURT RECORDS; COURT ORDER; RELEASE AND RECEIPT OF SUPERIOR COURT RECORDS</p>	

TO: _____

*(Name or names of organizations requesting transfer of superior court records to their possession or
for an extension of the time for retention of the records)*

NOTICE OF HEARING

1. ☐ A hearing will be held on your request for an order by the presiding judge for **transfer** of some or all of the superior court records to your possession.
2. ☐ A hearing will be held on your request for an order by the presiding judge for an **extension of time** for the destruction of some or all of the superior court records.
3. The hearing will be held:

Date:	Time:	Dept.:	Room:
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The address of the court is shown above.

4. ☐ No hearing on your request for an order by the presiding judge for transfer of some or all of the superior court records will be held.

ORDER

GOOD CAUSE APPEARING:

1. ☐ Grant request of *(name of organization)*: _____ to transfer to your possession
 - ☐ all superior court records specified in the Request for Transfer or Extension of Time for Retention of Superior Court Records
 - ☐ the following superior court records only *(specify records to be transferred)*: _____
 - a. The records shall be made reasonably available for inspection to all members of the public and provision shall be made for duplicating the records at cost.
 - b. Costs for transferring the records shall be paid by the requesting party.
2. ☐ Grant request of *(name of organization)*: _____ to extend until *(date)*: _____ the destruction of
 - ☐ all superior court records specified in the Request for Transfer or Extension of Time for Retention of Superior Court Records
 - ☐ the following superior court records only *(specify records to be held)*: _____
3. ☐ Deny request of *(name of organization)*: _____ for transfer of some or all of the superior court records to your possession.
4. ☐ Deny request of *(name of organization)*: _____ for an extension of time for the destruction of some or all of the superior court records.
5. ☐ Other orders *(specify)*: _____

Date: _____

PRESIDING JUDGE OF THE SUPERIOR COURT

(See reverse for Release and Receipt of Superior Court Records)

REQUEST TO TRANSFER COURT RECORDS

Before you may destroy any court record that requires noticing of specific organizations, you must wait 30 days from the date that the *Notice of Intent to Destroy Superior Court Records; Offer to Transfer Possession* (form 982.8(1)(n)) was mailed out.

Any organization that receives the notice of intent to destroy superior court records may ask that the records be transferred to its care and custody.

The requesting organization will complete the *Request for Transfer or Extension of Time for Retention of Superior Court Records* (form 982.8(1)(R)).

They can request one of two things on this form:

1. Transfer specific records to them (at their cost for transferring the requested records), or
2. Request an extension of time for the requested records to be transported.

The Presiding Judge must then make an order granting or denying this request and must find good cause to grant an extension of time. In addition, the Presiding Judge may elect to schedule a hearing on the issue.

The form to set the hearing and issue or deny the request is called *Notice of Hearing on Request for Transfer or Extension of Time for Retention of Superior Court Records; Court Order; Release and Receipt of Superior Court Records* (form 982.8(2)(N)).

Once the determination has been made that cases are in fact eligible for destruction, a destruction order should be prepared and submitted to the Presiding Judge of your county for their signature of approval.

Court Operations Training

RECORDS MANAGEMENT: RETAIN OR DESTROY?

Evaluation Form

1. Has this broadcast increased your understanding of record retention and destruction? If so, what information did you find most helpful?

2. What questions do you still have?

3. What suggestions do you have for future broadcast topics?

4. Please rate the following broadcast elements of the program:

	Strongly agree		Strongly disagree		
The activities in the course helped me learn the content...	5	4	3	2	1
The course duration was the right length...	5	4	3	2	1
The content of the course was relevant to my work needs...	5	4	3	2	1
If applicable, issues of access and/or bias and stereotypes were appropriately addressed in the course...	5	4	3	2	1

Other comments or suggestions:

Court Name _____ Number of Participants _____

Downlink Site Location: _____
(City)

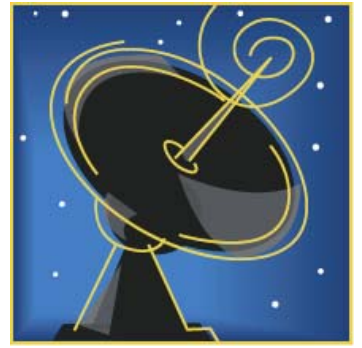
Remember to check COMET (Court Online Mentoring, Education, and Training) at www.courtinfo.ca.gov/comet for training opportunities, resources, and answers to your Frequently Asked Questions.



Please FAX completed form to: Jay Harrell at 415-865-4335

Please fax to 415-557-1137 or 415-557-1138

Broadcast Fax Form



To:

Fr:

Su: Records Management: Retain or Destroy?

Question(s):

***Questions not answered during the broadcast will be posted to the COMET site (www.courtinfo.ca.gov/comet) with our panelists' responses.**